

1 _____ BILL NO. _____
2 INTRODUCED BY _____
3 (Primary Sponsor)
4 BY REQUEST OF THE BOARD OF LIVESTOCK

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING FEEDING GARBAGE TO SWINE OR OTHER
6 ANIMALS; CLARIFYING THE DEFINITION OF "GARBAGE"; ELIMINATING LICENSES FOR FEEDING
7 GARBAGE TO SWINE; CLARIFYING DEPARTMENT ENTRY POWERS; REVISING RULEMAKING
8 AUTHORITY; AMENDING SECTIONS 81-2-501, 81-2-502, 81-2-504, AND 81-2-505, MCA; AND REPEALING
9 SECTIONS 81-2-503, 81-2-507, 81-2-508, 81-2-509, AND 81-2-510, MCA."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12
13 **Section 1.** Section 81-2-501, MCA, is amended to read:

14 **"81-2-501. Definitions.** ~~When~~ As used in this part, the following definitions apply:

15 (1) (a) "Garbage" means wastes resulting from the handling, preparation, cooking, and consumption
16 of animal products, including animal carcasses or parts of animal carcasses, or other refuse of any character
17 that has been associated with any animal products, including animal carcasses or parts of animal carcasses.

18 (b) The term does not include rendered animal products or pasteurized milk products.

19 ~~(2) "Garbage feeder" means a person who handles, prepares, cooks, or otherwise treats garbage to~~
20 ~~feed to swine or other animals, as well as a person who feeds garbage to swine or other animals.~~

21 ~~(3)~~ (2) "Person" means the state, any municipality, political subdivision, school district, institution,
22 public or private corporation, individual, partnership, or other entity."

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24 **Section 2.** Section 81-2-502, MCA, is amended to read:

25 **"81-2-502. Licenses** ~~Illegal to feed garbage to swine.~~ ~~(4)~~ It is unlawful to handle, prepare, cook, or
26 otherwise treat garbage to feed to swine or other animals or to feed garbage to swine or other animals ~~without~~
27 ~~first securing a license for that purpose from the department. One license issued to the entrepreneur,~~
28 ~~corporation, or individual responsible for a particular garbage feeding enterprise covers all garbage feeders~~

concerned with the enterprise. The license provided for in this section expires on December 31 of the year in which it is issued. The department shall establish a fee to be charged for all licenses issued under this part. All license fees collected must be paid into the state special revenue fund for the use of the department.

~~(2) This part does not apply to a person who feeds only the person's own household garbage to swine or other animals."~~

Section 3. Section 81-2-504, MCA, is amended to read:

"81-2-504. Power to adopt rules. The department shall administer and enforce this part and may adopt and enforce rules or orders necessary ~~for the supervision, control, and inspection of persons who handle, prepare, cook, or otherwise treat garbage to feed to swine or other animals or who feed to prevent feeding of~~ garbage to swine or other animals. ~~The rules or orders shall apply to and govern the method of applying for a license, standards and methods of operation, sanitary conditions of premises where garbage is treated for feeding or fed, the control and inspection of equipment used to store, treat, or feed garbage, and equipment, including vehicles, used for the transportation of garbage."~~

Section 4. Section 81-2-505, MCA, is amended to read:

"81-2-505. Entry of premises for inspection ~~—keeping of records.~~ (1) An authorized representative of the department may enter at reasonable times on private or public property to inspect and investigate ~~conditions relating to the treating of garbage to be fed, or the feeding of garbage, to swine or other~~ animals.

(2) An authorized representative of the department may examine records or memoranda pertaining to the treatment or feeding of garbage to swine or other animals. ~~The department may require maintenance of records it considers necessary, relating to the operation of equipment for and procedure of treating or feeding garbage to swine or other animals, and may require copies of the records to be submitted to the department periodically."~~

NEW SECTION. **Section 5. Repealer.** The following sections of the Montana Code Annotated are repealed:

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